

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

**WAYNE NEIL LIEPKE**

**V.**

**FIDELITY NATIONAL  
INSURANCE FLOOD**

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**Case No. 1:10-CV-317**

**ORDER ADOPTING  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, for pretrial proceedings pursuant to Order of Reference entered on June 4, 2010. The court has received and considered the report of the United States magistrate judge, who recommends that the court enter judgment with prejudice as to all of plaintiff's state law based extra-contractual claims for fraud, breach of the duty of good faith and fair dealing and knowledge under the Texas Insurance Code pursuant to the parties stipulation of voluntary partial dismissal.

The magistrate judge's report is hereby **ADOPTED**.

Partial final judgment dismissing all of plaintiff's state law based extra-contractual claims under the Texas Insurance Code will be entered separately. The action will, however, remain pending with regard to plaintiff's breach of contract claim.

So **ORDERED** and **SIGNED** this **15** day of **July, 2011**.



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Ron Clark, United States District Judge